



# MEMO ENDORSED

A PROFESSIONAL CORPORATION

17TH FLOOR 909 THIRD AVENUE NEW YORK, NY 10022-7431  
212.509.9400 800.437.7040 212.207.4938 FAX www.cozen.com

July 23, 2008

VIA FIRST CLASS MAIL: (212) 805-7927

Aaron P. Georghiades  
Direct Phone 212-453-3890  
Direct Fax 877-526-3076  
ageorghlades@cozen.com

Hon. Judge Naomi R. Buchwald  
United States District Court Judge  
United States District Court  
Southern District of New York  
500 Pearl St., Room 2270  
New York, NY 10007

Re: Cengage Learning et al. v. Expresstext et al  
08-Civ-03354

Dear Hon. Judge Buchwald:

Our firm represents the plaintiffs, Cengage Learning, Inc., John Wiley & Sons, Inc., and Pearson Education, Inc. in the above-captioned matter.

I am writing to seek an adjournment of the pretrial conference currently scheduled for August 4, 2008, at 4:00 p.m. The reason for this request is that I have a prior engagement that requires me to be outside of New York on August 4<sup>th</sup>. Defendants' counsel has consented to this request. Should the adjournment request be granted, the following dates and times are convenient for all parties: August 11<sup>th</sup> through August 15<sup>th</sup>, or August 25<sup>th</sup> through August 29<sup>th</sup>, at any time convenient for this Court during those days.

In addition, the parties have begun meaningful settlement discussions that have taken place in person. An adjournment of the pretrial conference will provide counsel with additional time to develop these settlement negotiations.

If you have any questions, or if the above suggested dates are inconvenient, please contact me at the above telephone number.

MEMO ENDORSED

The conference is adjourned until August 12, 2008

at 4:30.

Edwards.

Lami Lora

Cheney,

USDS

7/24/08

Hon. Judge Naomi R. Buchwald  
July 23, 2008  
Page 2

---

Sincerely,

COZEN O'CONNOR



By: Aaron P. Georghiades

APG

cc: Bruno F. Codispoti, Esq.  
Codispoti & Mancinelli, LLP  
*Attorneys for Defendants*  
111 John Street, Suite 800  
New York, New York 10038-3002